

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
November 8, 2010

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 5:30 p.m. on Monday, November 8, 2010.

Present and composing a quorum were:

Mayor Louis Cooper  
Mayor Pro-Tempore Stan McCormick  
Councilmember Bobby Rosenthal  
Councilmember Fred Prassel  
Councilmember Elliot Weser

Also attending were:

Interim City Manager/Public Works Director Shawn P. Eddy  
City Attorney Mike Brennan  
Communications/IT Manager Marian Ramirez  
Finance Director Cynthia Barr  
Community Development Director Brian Chandler  
Human Resource Manager Judith E. Surratt  
City Secretary Jennifer Reyna  
Fire Chief Buddy Kuhn  
Police Chief Rick Pruitt

Absent was:

Councilmember John Savage

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Mayor Louis Cooper called the meeting to order at 5:31 p.m.

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Bruce Evans, Director of Customer Solutions, CPS Energy, presented Mayor Cooper, a plaque for the achievement of the U.S. Environmental Protection Agency (EPA) Green Power Partnership. Mr. Evans stated that City is designated as the 3<sup>rd</sup> EPA Community Power within the State of Texas.

CPS Energy representatives Bruce Evans, Justin Chamberlain, Roland Hinojosa and Sarah Sanchez were present.

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Councilmember Bobby Rosenthal recognized the presence of Boy Scouts of America, Troops # 59, 285 and 809 in the audience. He explained they were present to observe the Council meeting as a requirement for their Citizenship in the Community merit badge.

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Mayor Cooper asked City Council for any revisions to the minutes of the October 11, 2010, City Council Meeting. A motion was made by Councilmember Fred Prassel to approve the minutes of October 25, 2010 as amended. The motion was seconded by Mayor Pro Tem Stan McCormick and passed by unanimous vote.

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*Item # 2      City Manager's Report*

**a. Announcement of Hazard Mitigation Community Meetings to be held on November 23, 2010**

Assistant City Manager/Public Works Director Shawn P. Eddy announced that a Hazard Mitigation Community meeting will be held on Tuesday, November 23, 2010 at 5:00 p.m. in the City Council Chambers, as a requirement by FEMA for federal reimbursement. He stated that a public notification is included the November newsletter.

**b. Announcement of Availability of Monthly Check Register on the City's Website**

Mr. Eddy announced that in an effort to further increase transparency, staff proposed to post a monthly register of all accounts payable checks on its website for public review. This action would qualify the City of Alamo Heights for the highest available designation of Gold and would be implemented this week.

Mr. Eddy noted the information will be available on a monthly basis on the City's website in pdf format (adobe program) and the information will be searchable.

**c. Check Approval Process Update**

Mr. Eddy informed Council that staff has requested that the City Auditor review the current check approval process and offer recommendations on how the process may be revised based on best management practices of similarly-sized public and private organizations. Recommendations will be presented as part of the Auditor's Annual Report in January 2011.

Councilmember Elliot Weser stated its good practice to have a check approval process with an auditor's input and a transparent check register.

**d. UTSA School of Architecture Graduate Program Architectural Inventory Pilot Program**

Mr. Eddy informed Council that the University of Texas at San Antonio Graduate Program has agreed to conduct an architectural inventory pilot program at no cost. Approximately 20 graduate students will be touring neighborhoods, taking photographs, documenting existing conditions and interviewing residents of potentially significant structures and natural areas. The program will take approximately a month to complete and will initially include a “windshield” survey on Saturday, November 13th to determine which areas to focus. An email blast will be sent out to inform residents of this upcoming project.

**e. Items for Referral or Discussion**

**1. Proposed Revision of the City Charter for Initiative, Referendum and Recall**

Mr. Eddy stated that on August 23, 2010, the City Council elected to postpone consideration of an Ordinance which would have determined that a charter amendment for Initiative, Referendum and Recall be submitted to the voters of the City through a Special Election. He recommended City Council meeting date for Calling and Posting Notice for the May 14, 2011 Election is February 14, 2011. To date, the City has received comments from two (2) individuals in response to its request for comments on the City website.

Mayor Cooper suggested for this item to be reviewed by the Governance and Communication Committee. He also welcomed comments from Council to the Governance and Communication Committee to be taken into consideration. Council agreed.

Councilmember Weser reminded Council that comments received from the citizens at the August 23<sup>rd</sup> Council meeting that specifics were of a concern that the charter needed.

Council agreed to host a public work session in January 2011 to obtain public input.

**2. Review of the City of Alamo Heights Code of Ethics and Conduct for City Officials and Employees**

Mr. Eddy stated the Code of Ethics and Conduct shall be reviewed periodically by the City Council, boards, commissions, and committees, and the City Council shall consider recommendations from boards, commissions, committees, employees, and citizens for revision as it becomes necessary.

Councilmember Weser expressed concern on Item # 7 within the Code of Ethics and Conduct as disclosure has not been practiced and requested a review of the Code.

Mayor Cooper suggested this item be reviewed by the Governance and Communication Committee. Council agreed.

Mayor Cooper asked Council to submit their comments to the Governance and Communication Committee and invited Councilmember Weser to attend the committee meeting.

**3. Process for the Revision of the Residential Design Standards**

Mr. Eddy informed Council that the Neighborhood Character and Commercial Revitalization (NCCR) Committee recommended the appointment of a citizen committee to assist NCCR and staff in the development and review of potential revisions to the Residential Design Standards (RDS) to be considered by City Council in early 2011.

Council agreed with Mr. Eddy's recommendation.

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*Citizens To Be Heard Concerning Non-Agenda Items*

May O'Neal, resident, expressed her support of the EPA designation of a Green Power Community. As a representative of Hondondo Creek, she stated the organization is not able to obtain membership until there is Council approval on their requested item.

Mayor Cooper announced the completed new landscaped park project at Albany and Broadway that was conducted with the leadership of Blake Rosenthal and other Eagle Scout Troop members. Councilmember Rosenthal provided background information on requirements of an Eagle Scout Leadership Service Project and encouraged Eagle Scouts to consider a project that will contribute to the community that will enable them to reflect on their contribution. He stated his son, Blake Rosenthal, created the park design and worked closely with the City of Alamo Heights staff. Councilmember Rosenthal thanked Nancy Esquivel and the Public Works Department for their assistance.

Councilmember Weser acknowledged that a meeting was held with Hondondo Creek and their requested item was discussed at the NCCR Committee meeting and will be brought forth for Council consideration at a future Council meeting.

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*Items for Individual Consideration*

*Item # 5* Mayor Cooper read the following caption.

**RESOLUTION NO. 2010R - 020**

**A Resolution approving the appointment of Shawn P. Eddy as  
the Interim City Manager as authorized by the City Charter**

A motion for approval was made by Councilmember Fred Prassel. The motion was seconded by Councilmember Elliot Weser and passed by unanimous vote.

*Item # 6* Mayor Cooper read the following caption.

## **RESOLUTION NO. 2010R – 021**

### **A Resolution approving a Community Garden to be established on city property located at the Southeast Corner of Ogden and Acacia and Approving the Community Garden Concept Plan**

Community Development Director Brian Chandler thanked the Citizens Group for their attendance.

Mr. Chandler introduced Greg Chislett, representative of the Citizens Group. Mr. Chislett made a PowerPoint presentation that included photos and additional background information on location, community involvement, goals, photos and budget.

Mr. Chislett stated the plans may be executed between November 2010 – April 2011 and no maintenance is required from the City, which is open to the residents of Alamo Heights. He stated the water bill may be negotiated with the City of Alamo Heights. He informed Council that one-third of the garden site is located in a flood plain.

Mr. Chandler concluded the PowerPoint presentation that a \$5,000 donation was received from the Brown Foundation for this specific project.

Mayor Cooper asked if any feedback had been received from the neighbors as he has received comments regarding the community garden. He suggested the proposed structures such as the gazebo and fences be reviewed by the Architectural Review Board (ARB). Mayor Cooper asked if alternate garden sites were considered and inquired if the trails impacted this particular project.

Mr. Chislett responded that a neighbor expressed concern on the site's organic smell of compost, the potential negative impact of their property value and traffic generation. Mr. Chislett informed Council that neighbors are in support of the project with the exception of a neighbor on Ogden Lane. He noted that majority of the residents will walk or ride their bikes to the community garden. He inquired the reasoning for ARB review as there are a few proposed structures. Mr. Chandler informed Council that a different site was considered but did not provide the maximum benefits of a community garden.

May O'Neal, resident, stated the trails are in the flood plain and are south of the proposed community garden.

Council agreed the project is a good idea but expressed concern on the proposed site and potential impact to the neighborhood. There was a brief discussion on land usage and liability.

Councilmember Rosenthal applauded Mr. Chislett on the project and expressed concern on the proposed structures and the Eagle Scout's involvement on this project. He recommended that the work may be done in increments to allow an Eagle Scout's participation in the project for community service requirements.

Mr. Chandler informed Council that an Eagle Scout expressed interest to do a path within the community garden and asked if that required Council approval.

Council recommended the path to be considered by the Neighborhood Character and Commercial Revitalization (NCCR) Committee so the path may complement the neighborhood.

A motion for approval for the construction of four garden beds as noted in Phase 1 and that any structures: fencing, benches, or gazebos are presented to ARB or approved by any city level authority, was made by Councilmember Rosenthal. The motion was seconded by Councilmember Weser and passed by unanimous vote.

#### Closed Session

At 6:46 p.m., Mayor Cooper adjourned the regular City Council meeting to conduct a closed meeting as authorized by Section 551.071(1) of the Texas Government Code to consult with the City Attorney concerning pending or contemplated litigation.

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Mayor Cooper reconvened the regular meeting at 7:07 p.m. There was no action taken during the closed session. He announced that Item Nos. 7 and 8 would be considered next.

#### Items for Individual Consideration (cont'd)

*Item # 7* Mayor Cooper read the following caption.

#### **ORDINANCE NO. 1888**

**AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH GLASS/WEST PROPERTIES, LLC AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS**

A motion for approval was made by Councilmember Rosenthal. The motion was seconded by Councilmember Prassel and passed by unanimous vote.

Donald West expressed his appreciation to Council.

*Item # 8* Mayor Cooper read the following caption.

#### **ORDINANCE NO. 1889**

**AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH JAMES LAWSON AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS**

A motion for approval was made by Mayor Pro Tem McCormick. The motion was seconded by Councilmember Weser and passed by unanimous vote.

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Councilmember Prassel congratulated Mr. Eddy on his graduation in the Leadership San Antonio (LSA) Program; Councilmember Prassel shared that he was a former graduate of this program.

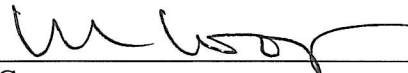
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There being no further business, a motion was made by Councilmember Weser to adjourn the meeting. The motion was seconded by Mayor Pro Tem McCormick and passed by unanimous vote. Mayor Cooper adjourned the meeting at 7:10 p.m.

  
Jennifer Reyna, TRMC  
City Secretary

  
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Louis Cooper  
Mayor